IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 16635 of 2004

Between:

1 K. Nagamuni S/o. Rushingappa
Munna Nagar, Ananthapur District.
2 K. Lakshmi Devi, W/o. K. Munirtnam,
R/o. Munnanagar, Ananthapur.
3 K. Nagalakxhmi W/o. P. Obilesu
R/o. Munnanagar, Anantapur District.
4 K. Gampanna S/o. K. Nagamuni
Munnanagar, Anantapur District.
5 K. Nallappa S/o. Ballappa
Munnanagar, Ananthapur District.

..... PETITIONERS

AND

1 The District Collector, Anantapur.
2 The Revenue Divisional Officer, Ananthapur.
3 The Mandal Revenue Officer, Ananthapur.
4 Executive Engineer, Irrigation Department, Anantapur.
5 Commissioner, Ananthapur Municipality, Anantaur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order, or direction in the nature of writ of mandamus direction the respondents herein to assign the lands in favour of the petitioners and to issue the Dharkast pattas to the petitioners in respect of the lands occupied by the petitioners in Survey No.451 Tank bed poramboke, Ananthapur Rural.

Counsel for the Petitioners: MR.M.V.RAJA RAM

Counsel for Respondents 1 to 4: GP FOR REVENUE

Counsel for Respondent No.5: K. Mahender Reddy, S.C. for Municipality

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for the respondents. Both have no objection for disposal of the writ petition at the admission stage.

In view of the mandate of the Supreme Court in Hinchlal Tiwari V. Kamala Devi[1] all water tanks should be protected and should not be converted and the Government is duty bound to protect the same. Therefore, mandamus as prayed for by the petitioner to assign the said lands cannot be issued.

Learned counsel for the petitioner submits that if the said land is not assignable, any alternative land can be assigned to the petitioners.

If that be the case, the petitioner has to approach the appropriate authority for assigning the alternative land and it is for the authorities to consider the case of the petitioner to assign the alternative land, in accordance with law. In this writ petition no relief can be granted to the petitioner.

Accordingly the Writ Petition is dismissed at the admission stage.

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A. Gopal Reddy, J.

16th September, 2004.
Js.

ASSISTANT REGISTRAR

To
1 The District Collector, Anantapur.
2 The Revenue Divisional Officer, Ananthapur.
3 The Mandal Revenue Officer, Ananthapur.
4 Executive Engineer, Irrigation Department, Anantapur.
5 Commissioner, Ananthapur Municipality, Anantaur.
6 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabd.
7 2 CD copies.

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[1] (2001) 6 SCC 496